IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No. 1235 of 2006
Date of Decision: 24.8.2007

Dr. Raghubir Singh ....Petitioner

Versus

R.S. Bawa, Registrar, Guru Nanak Dev University, Amritsar

....Respondent

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Vikram Chaudhary, Advocate, for the petitioner.

Shri D.S. Patwalia, Advocate, for the

HEMANT GUPTA, J.

The grievance of the petitioner in the present contempt petition is that the order dated 8.8.2005 passed by the Division Bench of this Court in Civil Writ Petition No. 10272 of 2005, whereby directions were issued to blacklist the experts, who have committed mistake, while discharging the responsibility of finalising the answer key. It is pointed out that no action has been taken by the University and therefore, the directions of this Court have not been complied with.

The petitioner is a Senator of the University and Reader in the Department of History. In the written statement, it has been pointed that the petitioner has no locus standi to file the present contempt petition as he is neither aggrieved nor affected party in the present controversy. He was not a party in the writ petition. It is pointed out that the petitioner has a personal grudge against the University and a litigation

regarding promotion of the petitioner to the post of Head of the Department is pending before this Court. The present contempt petition is an attempt to put pressure on the University.

It may be submitted that in Punjab Medical Entrance Test, 2005 held on 5.6.2005, controversy arose regarding answer key of the objective type examination conducted by the University. The writ petition filed by the students was allowed. In respect of the experts, the Court made the following observations:-

> "29. It is also imperative to ensure, that experts who are chosen to set paper(s) and to finalise the answer-key, should handle the responsibility vested in them with seriousness and commitment. An approach, which lacks the aforesaid qualities, jeopardises the careers of a large number of brilliant students. There should, therefore, be a deterrent for persons involved in discharging such onerous responsibilities, who have not carried out the task with a sense of absolute responsibility. In case, a paper setter or a person vested with the responsibility to finalise the answer-key, commits a mistake, he should be black-listed, and similar responsibilities should not be given to him in future. An entry should also be recorded in the service record of the expert concerned so that no one else makes the same mistake by choosing the same person. We hereby direct that the procedure

suggested be applied, in the first instance, to the experts involved in the instant case.

30. The Guru Nanak Dev University had the answer-key re-evaluated by experts drawn from the University itself. They had chosen to support each one of the answers depicted in the answer-key taken into consideration by the Guru Nanak Dev University, for evaluating the answer-sheets of the second PMET. 10 of 21 answers affirmed by the experts drawn from the Guru Nanak Dev University, have been shown to be incorrect answers by the experts nominated by the Chairman, Central Board of Secondary Examination. We do not wish to record any finding on the opinion expressed by the experts nominated by the Guru Nanak Dev University. We, however, consider it just and appropriate to direct the Guru Nanak Dev University, to have their credentials re-evaluated by affording them an opportunity to defend themselves, and in case, it is concluded that their recommendation was unfair or professionally unacceptable, appropriate action be taken against them, in accordance with law. There can hardly be any room in a University for a person incompetent in the field of his specialty, or for a person who is not fair and honest in a cause related to students."

The Hon'ble Supreme Court in appeal held that the said directions of this court do not call for any interference.

It is the stand of the University that in pursuance of the directions issued by this Court, the Syndicate of the University constituted a committee of experts to examine the role of the University experts into the aforesaid incidence and to give its opinion. The Committee found that the University experts are called upon to scrutinise only the authenticity of the disputed questions statements but the paper setters while framing questions and suggesting the most appropriate answers in the answer's key seem to have shown laxity. The Committee found that in fact, the University Experts did an exercise to point out the vagueness and incorrect statements of some questions. The committee recommended to put in place some mechanism to cross check the questions and answers in such sensitive examinations. The committee concluded that the role of the University Experts was neither unfair nor professionally unacceptable. However, the role of the paper setters was found to be irresponsible and not upto mark and they were blacklisted from the University work in future and their employers were to be informed so as to make entry in their service record.

In view of the report of the Committee, it transpires that it is the paper setters, who prepared the questions and the most suitable answers. The action has been recommended to be taken in terms of the directions of this Court. Therefore, it cannot be said that the directions of this Court have not been implemented.

In view of the above, I do not find any justified

reason to continue with the present contempt petition. The same is accordingly dismissed.

Rule is discharged.

24-08-2007 (HEMANT GUPTA)
ds JUDGE